

ORIGINAL

1 LEONARDO M. RAPADAS
United States Attorney
2 MARIVIC P. DAVID
Assistant U.S. Attorney
3 Sirena Plaza Suite 500
108 Hernan Cortez Avenue
4 Agana, Guam 96910
Telephone: (671) 472-7332
5 Telecopier: (671) 472-7334

6 Attorneys for the United States of America

FILED
DISTRICT COURT OF GUAM

SEP 17 2007

JEANNE G. QUINATA
Clerk of Court

7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF GUAM**

10 UNITED STATES OF AMERICA,)
11)
12) Plaintiff,)
13)
14) vs.)
15)
16) RIZI CHI a/k/a)
17) KYUNGAE KIM,)
18)
19) Defendant.)
20)

CRIMINAL CASE NO. 07-00041

**GOVERNMENT'S STATEMENT
REGARDING STATUS REPORT
OF DEFENDANT**

- 21
22
23
24
25
26
27
28
1. On August 13, 2007, the defendant appeared for sentencing and was informed that a sentence of time served (of approximately 110 days), upon other things, would be imposed. To date the defendant remains in custody with the U.S. Marshals Service.
 2. Entry of Judgment of Conviction has been postponed upon request of defendant for the reason that additional time was necessary to address immigration issues, i.e., the status of the filing of an asylum application with the U.S. Citizenship and Immigration Services (C.I.S.).
 3. On September 14, 2007, the defendant stated that the C.I.S. issued a Notice of Action on August 21, 2007, and advised that the asylum application or a motion to reopen should be filed with the Immigration Court which had jurisdiction over the

1 prior proceeding. To date the defendant has not filed any motion to reopen any
2 proceeding with the Immigration Court since being advised of the above-
3 referenced Notice of Action.

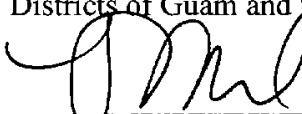
4 4. U.S. Customs and Border Protection Officer Robert Ramirez, who is also the case
5 agent of this case, has advised that his agency will not summarily remove the
6 defendant without affording her the opportunity to attempt to reopen her previous
7 asylum case before the Immigration Court.

8 5. Further, I am informed by the assigned staff for U.S. Customs and Border
9 Protection, Helen Bouras, 555 Battery Street, San Francisco, CA 94111,
10 telephone number (415) 782-9470 of the following (a) defendant withdrew an
11 initial request for asylum before the Immigration Court on or about
12 April 26, 2007; (b) defendant may seek reopening of that case by filing a motion
13 to reopen/reconsider in accordance with the provisions of 8 C.F.R. § 1003.23
14 et seq.; (c) in Immigration Court proceedings, the government is represented by
15 a representative from the U.S. Immigration and Customs Enforcement,
16 596 Ala Moana Blvd., Honolulu, HI 96813, who will evaluate the merits of
17 defendant's motion to reopen/reconsider and will then file a response to
18 defendant's motion to reopen/reconsider; and (d) the Immigration Court may
19 or may not grant the motion to reopen/reconsider.

20 6. A Judgment of Conviction should be entered as soon as possible, preferably, and
21 certainly no later than September 28, 2007, and the defendant be remanded to the
22 U.S. Customs and Border Protection for further immigration processing.

23 RESPECTFULLY SUBMITTED this 17th day of September 2007.

24 LEONARDO M. RAPADAS
25 United States Attorney
26 Districts of Guam and the CNMI

27 
28 MARVIC P. DAVID
Assistant U.S. Attorney